

IN RE: PETITION FOR SPECIAL HEARING
W/S Ridgemont Road, at NE/end
of Chippendale Road
(1408 Chippendale Road)
8th Election District
3rd Councilmanic District

Henry T. Dawes, et al
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 98-477-SPH
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, Henry T. and Katharine K. Dawes, and the Contract Purchaser, Kirvan H. Pierson, Jr. As written, the Petition filed requests approval of the reduction in area of the non-buildable Parcel 14D from 0.997 acres, more or less, to 0.526 acres, more or less, to increase the area of Lot 14A from 7.50 acres, more or less, to 7.971 acres, more or less, and a revision of the building envelope for Lot 14A in accordance with the revised configuration. More specifically, the Petitioners seek approval of a nondensity transfer of 0.471 acres, more or less, from Parcel 14D to Lot 14A, as set forth on the site plan submitted, and an amendment to the previously approved Final Development Plan for Ridgemont West, Section Two, Lot 14A and Parcel 14D thereof, accordingly. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Thomas Dawes, a representative of Henry T. and Katharine K. Dawes, property owners, and Kirvan H. Pierson, Jr., Contract Purchaser. Appearing as Pro-

ORDER RECEIVED FOR FILING

Date

By

testants in the matter were Arthur H. Becker, Sr., and his son, Arthur H. Becker, Jr., adjoining property owners.

Testimony and evidence offered revealed that the property which is the subject of this request concerns an irregular shaped parcel of land containing 0.471 acres, more or less, which is located within Parcel 14D of Ridgemont West. Parcel 14D is basically left over from the original subdivision of the overall tract owned by Henry and Katharine Dawes and at its current size of 0.997 acres, has no density. Mr. & Mrs. Dawes sold an adjacent lot, identified as Lot 14A on the site plan, to Kirvan Pierson, who is desirous of constructing a house thereon. Mr. Pierson wishes to increase the size of his holdings, and more specifically, the size of the building envelope on his property, and provide an additional buffer between his property and those adjoining. Thus, the Dawes have agreed to transfer the subject 0.471 acres from Parcel 14D to Lot 14A. Once transferred, Lot 14A will contain 7.971 acres, with one density unit associated therewith, which will be utilized when Mr. Pierson builds his house. Parcel 14D will retain 0.526 acres upon completion of this transfer.

As noted above, Arthur H. Becker, Sr., and his son, Arthur H. Becker, Jr., appeared in opposition to the Petitioners' request. The Beckers object to the proposed transfer in that they fear that Parcel 14D, which would be left with 0.526 acres, would become a dumping area and would not be maintained by Mr. Dawes, given its lack of utility. Inasmuch as a house could not be built on Parcel 14D, the Beckers are concerned that this property will have no useful purpose and will be left to deteriorate.

After considering the testimony and evidence offered by the Petitioners as well as the Protestants, I am persuaded to grant the relief requested in the special hearing. As noted above, the proposed transfer

ORDER RECEIVED FOR FILING
Date 8/24/88
By [Signature]

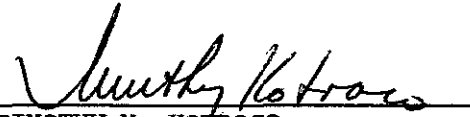
will not only allow an expansion of the building envelop associated with Mr. Pierson's property, but will increase his current landholdings as well as provide an additional buffer for his property. Moreover, there is no density associated with this transfer, thus, no harm to adjacent property owners or the surrounding community will result from the granting of this relief. Therefore, the Petition for Special Hearing should be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 24th day of August, 1998 that the Petition for Special Hearing seeking approval of a nondensity transfer of 0.471 acres, more or less, from Parcel 14D to Lot 14A, as set forth on the site plan submitted, and an amendment to the previously approved Final Development Plan for Ridgemont West, Section Two, Lot 14A and Parcel 14D thereof, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) When applying for a building permit, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

TMK:bjs


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 8/28/98
By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

August 24, 1998

Mr. & Mrs. Henry T. Dawes, Jr.
11811 Ridgemont Road
Lutherville, Maryland 21093

RE: PETITION FOR SPECIAL HEARING
W/S Ridgemont Road, at NE/end of Chippendale Road
(1408 Chippendale Road)
8th Election District - 3rd Councilmanic District
Henry T. Dawes, et al - Petitioners
Case No. 98-477-SPH

Dear Mr. & Mrs. Dawes:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Kirvan H. Pierson
2018 West Joppa Road, Lutherville, Md. 21093

Mr. Arthur H. Becker, Sr.
12170 Falls Road, Cockeysville, Md. 21030

Mr. Arthur H. Becker, Jr.
31 Wally Court, Timonium, Md. 21093

People's Counsel; Case Files





Petition for Special Hearing

AND TO AMEND F.D.P. OF RIDGEMONT WEST, SECT. 2
to the Zoning Commissioner of Baltimore County

for the property located at Ridgmont West, Res. Plot 2 etc., 1408 Chippendale Rd
which is presently zoned RC-5

This Petition shall be filed with the Department of Permits & Development Management
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve the reduction in area of the non-buildable Parcel 14D from 0.997 ± ac. to 0.526 ± ac.; the increase in area of Lot 14A from 7.50 ± ac. to 7.971 ± ac.

and the revision of the 14A building envelope according to the revised configuration of Lot 14A.
(On June 8, 1998, Petitioner's representative met with Arthur H. Becker, Sr. provided him with a copy of the subject plan and advised him that the Parcel 14D (revised) along with the 8.5 gpm well is being held in reserve until the Becker Property is submitted to the subdivision process and water supply has been located for the building lots proposed therein.)
and the issuance of a building permit for a residence within the revised block envelope as shown on Revised F.D.P. submitted by the Petitioner (said per mit in lieu of three permits for lots 14A, 15A & 14D as shown on CRG Plan 88035) and the issuance of a building permit for lot 12D as recorded in PB 68 & 144 (in lieu of two permits for lots 12D and 13D as shown on CRG Plan 88035, the approval of which expired 5/20/91).
Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

Contract Purchaser/Lessee:

KIRWAN H. PIERSON, JR.
(Type or Print Name)
[Signature]
Signature
2018 WEST JORDA RD.
Address
LUTHERVILLE MD. 21093
City State Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address Phone No

City State Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s).

KATHARINE K. DAWES
(Type or Print Name)
Katharine K. Dawes
Signature
HENRY T. DAWES, JR. et al
(Type or Print Name)
Henry T. Dawes
Signature

11811 Ridgmont Rd 410 252 8657
Address Phone No
Lutherville MD 21093
City State Zipcode
Name, Address and phone number of representative to be contacted.

Tom Dawes
Name
11811 Ridgmont Rd 410 252 8657
Address Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: R. Jc

DATE 6-10-98

ORDER RECEIVED FOR FILING

Date Revised 9/5/95
By

98-477-SPH

#477

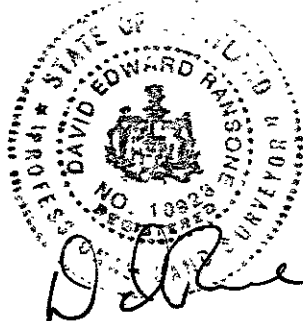
Zoning Description - Ridgemont Road - Part of Parcel 14D Ridgemont West

All that lot of ground situate, lying and being in the Eighth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same on the Northern outline of Parcel 14D distant North 46 degrees 38 minutes 21 seconds West 146.73 feet from the centerline of Ridgemont Road as all are laid out and shown on a plat titled Revised Plat 2 of Section 2 Ridgemont West and Revised Lot 12d Ridgemont West and recorded among the Plat Records of Baltimore County in Plat Book S.M. No. 68 folio 144 and thence running and binding on a part of said Northern outline of Parcel 14D North 46 degrees 38 minutes 21 seconds West 320.91 feet to the corner of Lot 14A thence binding on the division lines of Lot 14A and Parcel 14D the 3 following courses and distances viz: South 18 degrees West 25 feet, South 48 degrees 27 minutes East 240 feet and South 27 degrees 15 minutes 44 seconds West 195 feet, South 33 degrees 01 minutes 00 seconds East 100 feet and thence running through Parcel 14D North 9 degrees 58 minutes 52 seconds West 24.99 feet and North 46 degrees 38 minutes 21 seconds West 320.91 feet to the place of beginning.

Containing 0.471 of an Acre of land, more or less.

This description is to be used for Zoning purposes and requirements only.



48.477-SPH

#477



ACCOUNT NUMBER

CTOM28657

PHONE NUMBER

4102528657

5501

LEGAL ADVERTISING

INVOICE NO. 025917

C240879

10750 Little Patuxent Parkway
Columbia, MD 21044

Advertising/Towson Office (410) 337-2425 (Ext. 418) or (Ext. 425)

Columbia Office (410) 730-3990 (Ext. 123)

Billing (410) 730-3990 (Ext. 217)

TOM DAWES
11811 RIDGEMONT ROAD
LUTHERVILLE TIMONIUM, MD
21093

- Columbia Flier
- Howard County Times
- Laurel Leader
- Soundoff!
- Gazette
- Arbutus Times
- Catonsville Times
- Owings Mills Times
- Towson Times
- Northeast Booster
- Northeast Reporter
- Baltimore Messenger
- Jeffersonian
- North County News

98-477-SPH K H Pierson

PAYMENT DUE UPON RECEIPT OF INVOICE

INVOICE DATE

07/01/98

DATE		DESCRIPTION	LINES	TIMES	TOTAL LINES	RATE	AMOUNT
START	STOP						
07/02/98	07/02/98	NOTICE OF ZONING HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson,	69	1	69		69.69
SKIP INSERTIONS							
PUBLICATIONS ▶			ADJUSTMENTS				
P.O. NO. JEFF 7/084			PROOF CHANGES				
			PREPAID AMOUNT				0.00
			TOTAL AMOUNT DUE				69.69

694
mailed 7/7/98
@ Tim. P.O.

ORIGINAL

ORIGINAL

This invoice has been printed with environmentally safe ink.

#694
mailed 7/3/98
@ Tim. P.O.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 7/21, 1998

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/21, 1998.

THE JEFFERSONIAN,

A. Henrichson
LEGAL AD. - TOWSON

NOTICE OF ZONING HEARINGS

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #98-477-SPH
1408 Chippendale Road
N/S Chippendale Road, 980'
+/- W from centerline
Ridgemont Road,
8th Election District,
3rd Councilmanic District

Legal Owner(s):
Katharine K. Dawes and
Henry T. Dawes, Jr., et al
Contract Purchaser:
Klivan H. Pierson, Jr.

Special Hearing: to amend
the Final Development Plan of
Ridgemont West, Section
Two; and to approve the non-
density transfer of 0.471 acres
out of non-buildable Parcel
14D to Lot 14A.

Hearing: Tuesday, July 21,
1998 at 9:00 a.m., in Room
407, County Courts Bldg.,
401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Call (410) 887-3353.

(2) For information concern-
ing the file and/or Hearing,
Please Call (410) 887-3391.

7/084 July 2 C240879

BALTIMORE COUNTY, MARYLA
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

ITEM# 477

No. 056156

DATE 6-10-98 ACCOUNT R001-6150

030-SPH

AMOUNT \$ 50.00

RECEIVED FROM: Tom Dawes

FOR: SPH - 1408 Chippendale Rd.

98-477 SPH

R.T.

98-477-SPH

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME
6/11/1998 6:10:1998 14:25:35

REF 0501 CASHIER CLIM CHL JARWER

6 MISCELLANEOUS CASH RECEIPT

Receipt # 053455

CN NO. 056156

UFLA

50.00 CHECK

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

Case No. 477-SPH
 Permittee/Developer T. DAWES

Date of Permit Closing 7/21/98

Baltimore County Department of
 Permits and Development Management
 County Office Building, Room 111
 111 West Chesapeake Avenue
 Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties or penalty that the necessary sign(s) required by law
 were posted conspicuously on the property located at 1408 CHIPPENDALE RD

The sign(s) were posted on

7/3/98

(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe
 (Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

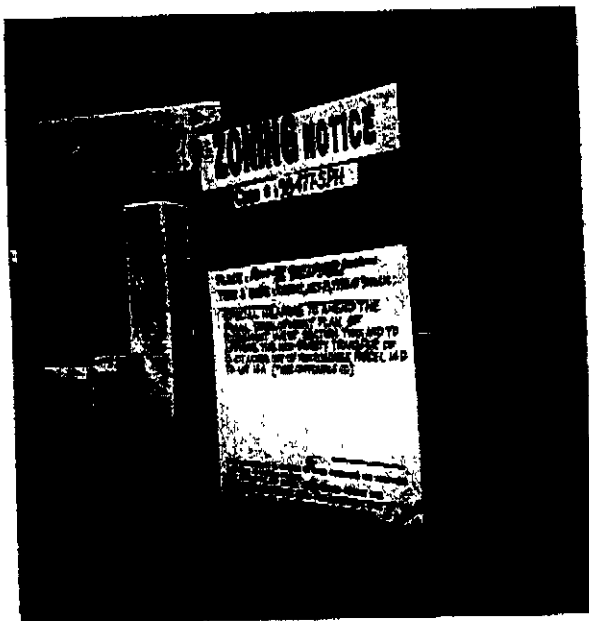
(Address)

HUNT VALLEY, MD, 21030

(City, State, Zip Code)

410-666-5366 CELL 410-905-8571

(Telephone Number)



98-477-SPH
TOM DAWES #1408-CHIPPENDALE RD.

7-7/3/98

H. 7/21/98-9AM



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 477

Petitioner: TOM Dawes

Location: 1408 Chippendale Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: TOM DAWES

ADDRESS: 11811 Ridgmont Rd
Lutherville, MD 21093

PHONE NUMBER: 410 252 8657

AJ:ggs

(Revised 09/24/96)

98-477-SPH



Plat to accompany Petition for Zoning ☐ Variance ☐ Special Hearing


PROPERTY ADDRESS: _____

see pages 5 & 6 of the CHECKLIST for additional required information


Subdivision name: _____

plat book # _____, folio # _____, lot # _____, section # _____

OWNER: _____

North 
 date: _____
 prepared by: _____

Scale of Drawing: 1" = _____

 Vicinity Map
 North
 scale: 1"=1000'

LOCATION INFORMATION

Election District: _____

Councilmanic District: _____

1"=200' scale map#: _____

Zoning: _____

Lot size: _____
 acreage square feet

SEWER: ☐ public ☐ private
 WATER: ☐ ☐
 Chesapeake Bay Critical Area: ☐ yes ☐ no
 Prior Zoning Hearings: _____

Zoning Office USE ONLY!

reviewed by: _____ ITEM #: _____ CASE#: _____

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____

Format for Sign Printing, Black Letters on White Background:

ITEM # 477

ZONING NOTICE

Case No.: 98-477 3PH

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: PETITION FOR SPECIAL HEARING TO PERMIT THE
NON-DENSITY TRANSFER OF 0.471 AC. OUT OF NON-
BUILDABLE PARCEL 14D TO LOT 14A, A BUILDING PERMIT
FOR A RESIDENCE WITHIN THE ENLARGED 14A BUILDING
ENVELOPE AND TO AMEND THE FINAL DEVELOPMENT PLAN
OF RIDGEMONT WEST, SECTION TWO,

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

TO: PATUXENT PUBLISHING COMPANY
July 3, 1998 Issue - Jeffersonian

Please forward billing to:

Tom Dawes 410-252-8657
11811 Ridgemont Road
Lutherville, MD 21093

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-477-SPH
1408 Chippendale Road
N/S Chippendale Road, 980' +/- W from centerline Ridgemont Road
8th Election District - 3rd Councilmanic District
Legal Owner: Katharine K. Dawes and Henry T. Dawes, Jr., et al
Contract Purchaser: Kirvan H. Pierson, Jr.

Special Hearing to amend the Final Development Plan of Ridgemont West, Section Two; and to approve the non-density transfer of 0.471 acres out of non-buildable Parcel 14D to Lot 14A.

HEARING: Tuesday, July 21, 1998 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue


Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

June 23, 1998

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-477-SPH
1408 Chippendale Road
N/S Chippendale Road, 980' +/- W from centerline Ridgemont Road
8th Election District - 3rd Councilmanic District
Legal Owner: Katharine K. Dawes and Henry T. Dawes, Jr., et al
Contract Purchaser: Kirvan H. Pierson, Jr.

Special Hearing to amend the Final Development Plan of Ridgemont West, Section Two; and to approve the non-density transfer of 0.471 acres out of non-buildable Parcel 14D to Lot 14A.

HEARING: Tuesday, July 21, 1998 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

c: Katharine & Henry Dawes, Jr.
Kirvan Pierson, Jr.
Tom Dawes

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY JULY 6, 1998.**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.**
- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.**





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 14, 1998

Mr. Tom Dawes
11811 Ridgemont Road
Lutherville, MD 21093

RE: Item No.: 477
Case No.: 98-477-SPH
Petitioner: Katherine Dawes,
et al
Location: 1408 Chippendale Rd.

Dear Mr. Dawes:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 10, 1998.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Gwendolyn Stephens in the zoning office (410-887-3391).

Sincerely,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Zoning Supervisor

WCR:ggs
Attachment(s)



Turn
1/2!

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
and Development Management

DATE: July 7, 1998

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: 1408 Chippendale Road

INFORMATION

Item Number: 477

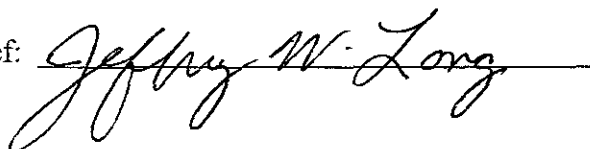
Petitioner: Dawes Property/Kirwin Pierson, Jr.

Zoning: RC-5

Requested Action: Special Hearing

Summary of Recommendations:

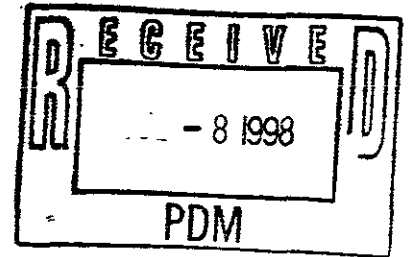
The Office of Planning supports the applicants' request provided that the matter related to Well # 15A is addressed to the satisfaction of the Zoning Commissioner. In addition, the F.D.P. of Ridgemont West, Section 2, should be amended to reflect any change that is to take place as a result of the instant request.

Section Chief: 
AFK/JL

Due Date: 6/29/98

TO: Arnold Jablon
FROM: R. Bruce Seeley *RSB/jj*
SUBJECT: Zoning Item #477

Ridgemont West



Zoning Advisory Committee Meeting of 6/22/98

- The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
 - X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
 - Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
 - Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
(410)887-4880

July 2, 1998

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF JUNE 22, 1998

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

476, 477, 479, 481, 484

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File




BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: June 26, 1998

FROM:  Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for June 29, 1998
Item Nos. 473, 476, 477, 479, & 484

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE0629.NOC



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 6-22-94
Item No. 477 RT

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

Very truly yours,

R. J. Burns
10 Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RE: PETITION FOR SPECIAL HEARING
1408 Chippendale Road, N/S of Chippendale Rd, 980'
+/- W from c/l Ridgemont Rd, 8th Election District,
3rd Councilmanic

Legal Owners: Henry T. and Katharine K. Dawes,
Jr., et al.
Contract Purchaser: Kirvan H. Pierson, Jr.
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 98-477-SPH

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of July, 1998, a copy of the foregoing Entry of Appearance was mailed to Tom Dawes, 11811 Ridgemont Road, Lutherville, MD 21093, representative for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

TOM DAWES

11811 Ridgemont Rd 21093

KIRYAN PIERSON

2018 WEST JOPPA RD 21093



PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

ARTHUR H BECKER JR.

31 WALLY CT

TIMONUM MD 21098

ARTHUR H. BECKER SR

18170 FALLS RD

COCKEYSVILLE MD. 21030



IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
E/S of a private Road off of *
Chippendale Road, 367' N of the * DEPUTY ZONING COMMISSIONER
c/l of Chippendale Road cul-de-sac *
(1406 Chippendale Road) * OF BALTIMORE COUNTY
8th Election District *
3rd Councilmanic District * Case No. 94-105-SPH

Henry T. Dawes, et ux *
Petitioners *

* * * * *

AMENDED ORDER

WHEREAS, this matter came before the Deputy Zoning Commissioner as a Petition for Special Hearing filed on behalf of the owners of the subject property seeking approval of the first amendment to the Partial Development Plan, Plat Two, Section Two of Ridgemont West, to reconfigure proposed Lot 12D, in accordance with Petitioner's Exhibit 1.

WHEREAS, the relief was granted, subject to restrictions, by Order issued December 14, 1993; and,

WHEREAS, subsequent to the issuance of said Order, the Petitioner advised this Office by letter dated December 17, 1993, that an error had been made in the Order in describing the four (4) lots which are part of the remaining property yet to be developed on this site, including Lot 12D. Specifically, the Order identified the four (4) lots in question as Lots 14D, 12D, 4C and 3C; however, Lot 14D is a separate parcel which is not a part of this request. The fourth lot should have been identified as Lot 14A and as such, the Order shall be amended accordingly.

In addition to the above, the Petitioner requested a modification of Restriction 2 of the Order issued December 14, 1993. Specifically, the Petitioner seeks an extension of the 90-day time period in which to complete the 40-foot right-of-way dedication to Baltimore County, citing complications in the title search. In consideration of this request, I


#477
98-477-SPH

shall grant an indefinite extension to the Petitioner to accomplish the dedication of the 40-foot right-of-way to Baltimore County, and as a condition thereof, shall require that the Petitioner file an action to Quiet Title within three (3) months of the date of this Order. Furthermore, no building permits shall be issued for any lot previously identified until such time as the Petition to Quiet Title has been filed by the Petitioner.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 21st day of December, 1993 that the Order issued December 14, 1993 shall be amended to correctly identify the four (4) lots remaining to be developed, including Lot 12D, as follows: Lots 14A, 12D, 4C and 3C, in accordance with Petitioner's Exhibit 1; and,

IT IS FURTHER ORDERED that Restriction 2 of said Order shall be modified to postpone indefinitely the dedication of the 40-foot right-of-way to Baltimore County; however, the Petitioner must file a Petition to Quiet Title within three (3) months of the date of this Amended Order. Furthermore, no building permits shall be issued until such time as said Petition has been filed. Once the Petition to Quiet Title is resolved, the Petitioner shall immediately dedicate the 40-foot right-of-way to Baltimore County.

IT IS FURTHER ORDERED that all other terms and conditions set forth in the Order issued December 14, 1993 shall remain in full force and effect.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Thomas D. Dawes
11811 Ridgemont Road, Lutherville, Md. 21093

Stuart D. Kaplow, Esquire
5125 Roland Avenue, Baltimore, Md. 21210

People's Counsel; Case File

ASSOCIATED WITH

Land Development Consultants

• JONES

ASSOCIATES •

consulting engineers

PERMITS AND DEVELOPMENT

Patrick M. O'Keefe

523 Penny Lane

Hunt Valley, MD 21030

Telephone:

Cell:

Fax:

(410) 666-5366

(410) 905-8571

(410) 628-2574

(410) 882-2469

TOM-DAWES
#1408 CHIPPENDALE RD
ZONING CASE #98-477-SPA
POSTING AS REQUIRED
BY ZONING COMMISSIONER

#50
Paulin full
Pat O'Keefe

chk #693

Prepared for Public Hearing, Case No. 98-477 SPH
Scheduled for 7-21-98, beginning at 9:00 AM,
Deputy Zoning Commissioner
Timothy M. Kotroco, Presiding.

Evolution of Ridgemont West from 13 lots approved in 1987
to a Ten-Lot plan presented 9/30/93 to the
Planning Director of Baltimore County
for Resolution of the Becker Access Issue:

March, 1997: CRG plan approved for 13 lots with Chippendale Road extended north to the Becker Property.

Preparation of engineered plan and profile for the extension of the Chippendale Rd. revealed large-scale destruction of woods, extensive fill at the edge of wetlands and conflict with a steep, wooded slope north of the BGE power transmission line.

January 4, 1988: Five lots and a $\frac{1}{4}$ -acre parcel recorded in Plat Book SM 57 @ 150.

May 20, 1988: CRG Plan 88035 approved for 13 lots, Chippendale Road ending in cul de sac short of the woods and wetlands, Ridgemont Road extending north to the Becker Property.

Four of the homesites on the 1988 plan are close to the power line.

October, 1988: Construction of Chippendale Road and cul de sac completed. The 1/4/88 record plat provided a 50 feet-wide r.o.w. for the street. Dedication of street required that a r.o.w. plat be prepared for the County to take title to the street and the 100' diameter cul de sac.

County officials refused to accept a r.o.w. plat, directing that a record plat be prepared. With only one additional lot ready for market (with well, drive graded and access to electrical service) a plat was submitted showing Lot 13D (2.148 Ac) and previously recorded 12A revised slightly to accommodate the cul de sac.

County officials then objected to processing a one-lot plat, even though a dozen similar plats had ^{recently} been processed routinely to record in two to three months. Submitted in March, 1989, the plat was recorded 10/10/89 in SM 61 @ 12, (after Bureau of Pub. services had made the unprecedented request on 4/17/89 that the plat needed for the dedication of Chippendale Road be revised to show "r.o.w. for Ridgemont Road extending through Section 2 as shown on the CRG plan approved 5/20/88".

October 25, 1989: Mr. Becker's appeal of the plat recorded for dedication of Chippendale Rd. is forwarded

Evolution of Ridgemont West, PAGE TWO, for 7-21-98 Hearing
to the County Board of Appeals by a Public Services official
in contravention of County Code Section 22-67(e): "No appeal
shall be allowed from plat approval."

Defense against this appeal proved costly and did not end
until Circuit Court Judge, Thomas Bollinger, by opinion dated
2/6/91, upheld the CBA in Case 89-186. (CBA concluded its
finding with the statement that the County cannot require the
Ridgemont Road extension until the developer seeks to develop
lots served by that road.)

1989: Wells were put down, in accord with the 1988 CRG plan.

February 28, 1991: Lot 12D (with 5 gpm well, but no vehicu-
lar access over the private road that
has since been installed) recorded in
SM 63 @ 16. The lot is in accord with
the 1988 plan, approval of which was to
expire 5/20/91.

January, 1992: Realtor handling Ridgemont home sales adds
"radiation from high tension wires" to the
inspection clause, along with lead paint
asbestos, etc.

This c/s leads consumers to believe that power lines are
equivalent health risks to those of the contaminants listed.
This c/s implies that power lines are the only source of EMF
within the modern electrified home. All other sources of elec-
tromagnetic fields may be ignored, according to the c/s.

November 5, 1992: Howard L. Alderman, Jr., Esquire, reports
on 29 EMF cases that have reached the ap-
pelate level in 14 states.

December 7, 1992: Paul Brodeur reports in the New Yorker
magazine on the EMF studies completed in
Sweden.

December 30, 1992: BG&E makes EMF measurements at the site
and under date of 1/13/93, reports to
Dawes on present and future maximum EMF
that can be expected on the site.

July 3, 1993: The Wall Street Journal reports that there is
a nationwide group of law firms filing EMF
lawsuits.

July, 1993: Harvard Health Letter lists six of the recom-
mendations made by experts at Carnegie-Mellon
University on avoiding EMF.

Dawes came to the conclusion that establishing a 230'
building setback from the center of the power line adds more
long-term value to the plan than the three lots deleted to
make the 230' setback possible. (BG&E has scrapped its plan to widen the maintenance
easement from 30' to 66'.)

June 21, 1993: The $\frac{1}{2}$ -acre parcel is sold to the owner of contiguous lot 10A. This sale helped fund continuing legal and County processing costs.

In an effort to resolve the Becker Access Issue, Planning Director Fields invited all interested parties, including Chippendale Road residents, to meet with him and staff in his office in the County Courts Building.

September 30, 1993: Dawes presented a plan that yields a total of ten lots in lieu of the 13 approved in 1988.

Mr. Becker offered to build the Ridgemont Road extension if the County would take title to the 40' r.o.w. in advance of the road being needed. Planning Director Fields directed Dawes to proceed with the plan that Dawes and Surveyor Ransome presented at the 9/30/93 meeting.

October 25, 1993: Public Hearing 94-105 SPH, Deputy Zoning Com. Timothy Kotroco presiding, Counsel for Becker in opposition. The order issued gave priority to the providing of access to the Becker Property, in accord with the plan presented at the hearing.

January 31, 1994: The Final Development Plan (F.D.P.) approved by the office of Zoning Administration & Development Management. (the FDP is the same plan that was presented at the 10/25/93 hearing)

November 4, 1994: Lot 13A, last marketable lot, sold to Mark & Lori Williamson.

Dawes again requested approval for re-recording Lot 12D as a two-acre lot.

January 12, 1995: Public Hearing 95-198 SPH, before D.Z. Com. Timothy M. Kotroco, Counsel for Becker in opposition.

The order, dated March 6, 1995, grants permission to re-record Lot 12D and to apply for a building permit for Lot 12D (2.046Ac). Dawes is directed by the order to diligently seek resolution to the title issue so that dedication of the Ridgemont Rd. r. o.w. may proceed.

December 28, 1995: Date of Final Order in Circuit Court Case 03-C-95-7294. Title to land between Becker and Dawes is settled on Dawes.

October 28, 1996: Plat recorded in SM 68 @ 144, shows: three unimproved lots and one non-buildable parcel:

12D, 2.046 Ac

14A, 7.5 Ac

4C, 2.645 Ac, includes Parcel 4C

Parcel 14D is configured to include two left-over wells that were put down in 1989: 15A, 0.78 gpm; 14D, 8.5 gpm.

(Lot 3C is an improved, 3.45-acre lot.)

November 22, 1996: Date of the Highway Deed by which County takes title to 40' r.o.w. for Ridgemont.

Recorded in 11943 beginning at 237.

May 21, 1997: Lot 4C/Parcel 4C purchased by L.C. Casey. Home occupied December 5, 1997.

Early June, 1998: Petitioner Pierson contracts to purchase

1) Lot 14A and 2) 0.471 acres out of Parcel 14D, conditioned on timely County approval.

June 8, 1998: Petitioners Dawes and Pierson meet with the DRC and are advised as follows:

Zoning officials lack the authority to grant permission for developer to retain ownership of a non-buildable parcel.

Following a favorable ruling by the Commissioner, a revised CRG must be submitted—as though the 9/30/93 meeting and the Public Hearings of 10/25/93 and 1/12/95 had never been held!

July 2, 1998: Relocating to Maryland from California, and desiring an early start on construction of a new home,

Petitioner's daughter, M. L. Pierson, settled for Lot 14A, as recorded, with the understanding that Dawes will diligently seek County approval for the conveyance of the 0.471 acres out of Parcel 14D so that: Lot 14A is expanded to 7.971 acres with the Building Envelope expanded accordingly. (This expansion provides more gently sloping land for the siting of a classic Tidewater-Virginia home and land for more screen planting between the home and the BGE tower.)

Petitioner seeks the earliest possible application for permit for a residence within the expanded Building Envelope.

Mr. Deputy Commissioner, we respectfully request an order that:

1) Directs the Baltimore County Department of Permits and Development Management to accept for its file the FDP, revised and as submitted for 98-477 SPH (substituting same for the FDP currently in the file as a result of the 10/25/93 Public Hearing)

2) Permits the conveyance of the 0.471 acres (along with Well 15A) out of Parcel 14D. Said conveyance to be by metes & bounds description and by a plat-to-accompany-deed which is to show:

Lot 14A expanded to 7.971 Ac

Parcel 14D reduced to 0.526 Ac and

the 14A Building Envelope expanded in accord with the revised lot dimensions.

3) Permits the issuance of a Building Permit for a residence within the expanded 14 A Building Envelope without any additional submission of subdivision plans, plats or CRG plans for processing by County or State agencies.

The twelve prints of the revised F.D.P. that were submitted with the application for this hearing have been reviewed by five county agencies and the Maryland State Highway Administration. (A copy of the comments received 7/19/98 are attached.)

The preamble and the order that the petitioners have outlined responds to the two comments made by the Office of Planning, these are:

"The Office of Planning supports the applicant's request provided that the matter related to Well #15A is addressed to the satisfaction of the zoning commissioner. In addition, the F.D.P. of Ridgemont West, Section 2, should be amended to reflect any change that is to take place as a result of the instant request."

Jeffery W. Long

DEPRM's response sheet, issued following a 6/22/98 meeting of the Zoning Advisory Committee, shows a routine reference as follows:

"Development of the property must comply with the Regulation for the Protection of Water Quality, Streams, Wetlands, and Flood Plains (Sections 14-331 thru 14-350 of the Baltimore County Code)."

Please note that the Forest Buffer Easements shown on the revised F.D.P. have been recorded in the L.R. and the recorded references are noted on the F.D.P.

Dawes has had Surveyor Ransome mark the limits of the enlarged 14A Building Envelope on the ground. From these points, the limits of the F.B.E. can easily be found.

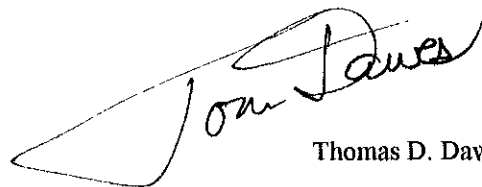
In regard to my neighbor's interest in well 15A or well 14D Petitioner Dawes affirms that he met with Mr. Arthur Becker, Sr., in Mr. Becker's home to give him a copy of this revised FDP that had been presented to the DRC that same day, 6/8/98, and is being presented here today. In response to the offer by Petitioner Dawes to sell the 0.526 acre portion of Parcel 14D, along with the 14A well (8.5gpm), Mr. Becker said that he was "not interested in acquiring any more land." Petitioner Dawes has not heard from Mr. Becker since.

On 8/30/90 Petitioner Dawes met Mr. Becker at his Wally Court site. Mr. Becker said then that he had two wells on the 17 acres after spending \$50,000 drilling for water. On 6/8/98, he reported that he now has three wells.

In addition to supporting the request of Petitioner Pierson as an improvement to the plan, Petitioner Dawes believes that the plan he has finally succeeded in bringing to market is superior to the plan approved by the County in 1988. First introduced to planning officials on 9/30/93, this final plan creates an additional six acres of privately owned open space along the 800 L.F. of BGE's power line. Together with the dedicated Forest Buffer Easements, the privately held open space in this plan is eleven acres (out of a gross acreage of 28).

Petitioner Dawes respectfully suggests that the order outlined above is merited by the quality of the plan that we propose be refined here today by shifting the described 0.471 acres out of Parcel 14D in order to make 14D 7.971 acres in area, with Building Envelope enlarged accordingly.

Thank you for your attention to this matter.



Thomas D. Dawes

11811 Ridgemont Road
Lutherville, MD 21093
410-252-8657

July 3, 1998

Residents of Ridgemont and Ridgemont West:

This afternoon a NOTICE OF PUBLIC HEARING was posted in the Chippendale Road cul de sac at the entrance to 1408 Chippendale Road (Lot 14A).

Peggy Pierson and spouse David Maxwell (Buyers) have hired an architect and expect to have their new home completed by March, 1999. They are relocating from California and wish to proceed to acquire a Building Permit from Baltimore County soon as possible. They settled for Lot 14A, as recorded, yesterday, 7/2/98.

WHY TRANSFER 0.471 acres from Parcel 14D to Lot 14A?

The Pierson/Maxwell residence proposed for 14A (a classic, Tidewater, Virginia style) will benefit by adding the 0.471 acres which adds more gently sloping land at the east end of Lot 14A, expanding the building envelope so that the proposed home may be placed on the more gently sloping land. The garage access will be improved and expansion of the lot eastward more than seventy feet provides more space for screen planting between the proposed home and the BGE tower. The sketch plan enclosed shows the proposed configuration of Lot 14A and Parcel 14D on a 1" = 200' scale.

WHY IS A PUBLIC HEARING NECESSARY?

The Buyers' Representative, Kirvan H. Pierson, Jr., and the Seller met with the Development Review Committee (DRC) on June 8, 1998, (Fee: \$40) to request approval for adding the 0.471 acres to Lot 14A. Zoning officials stated that:

- 1) administrators do not have the authority to approve a developer retaining ownership of a non-buildable parcel.
- 2) The Zoning Commissioner may grant such approval (following a \$50 fee, \$120 advertizing and a public hearing).
- 3) A favorable ruling by the Zoning Commissioner must be followed by resubmittal of a revised preliminary plan, following procedure established to provide all public agencies and County departments the opportunity to comment on the subdivision plan.

The Buyers and the Seller have therefore applied for a public hearing to request the Zoning Commissioner to approve:

- 1) The transfer of 0.471 acres from the non-buildable Parcel 14D to Lot 14A.
- 2) The Final Development Plan, Revised (12 prints submitted for the hearing) to show the proposed transfer and the larger building envelope on Lot 14A. (Zoning officials have, in the past, asserted that the FDP is a more significant document than is the record plat and that Zoning checks a Building Permit Application against the FDP only.)
- 3) The issuance of a building permit for a residence within the larger building envelope as shown on the Revised FDP (thereby eliminating the necessity for submitting a revised preliminary (CRG) plan for another round of reviews and comments by County and State agencies.

SOME HISTORY:

Residents of Chippendale Road were represented at a public hearing held 10/25/93, Deputy Commissioner Timothy Kotroco presiding. Following that hearing, Mr. Kotroco directed the Seller to:

- 1) Proceed with the FDP presented at the hearing.
- 2) Settle the question of title on land between Dawes and Becker.
- 3) Convey to Baltimore County the right of way for the future extension, by others, of Ridgemont Road north to the Becker Property.

The FDP, "in compliance with Exhibit 1 of Zoning Hearing 94-105 SPH (held 10/25/93)" was approved by Zoning Administration on 1/31/94. The title question was settled by Court Order dated 12/28/95. On 10/28/96, the plat was recorded in the land records. The plat shows: Lot 14A (7.5 Ac), Lot 12D (2.046 Ac), Lot 4C (2.645 Ac, including Parcel 4C),

Residents
Page Two
July 3, 1998

and Parcel 14D (0.997 Ac). By deed dtd 11-27-96, recorded in Liber 11943/237, County holds title to Ridgemont Rd. n.e.w.

Five wells were put down in 1989 in accord with the preliminary plan that had been approved by the County Review Group (CRG) on 5/20/88. Four of the six new homesites approved on that plan were close to the BGE power transmission line. (Lots 14A, 14D, 13D and 4C). The five wells were for lots 12D, 13D, 14D, 14A and 15A.

After review of published literature and reports of studies of possible health effects of electromagnetic fields (EMF) (present near any electrical motor, transformer, appliance or electrical conductor, including house wiring) Seller (my late brother and I) requested Howard L. Alderman, Jr., Esquire, to list recent court cases that involved EMF.

Seller concluded in 1993 that a 230' building setback from the center from the center of the power line is prudent. In order to provide that 230' setback, 14A was expanded to include most of 15A and 14D, 12D was expanded to include most of 13D, Ridgemont Road was shifted eastward so that homesite 4C has the 230' setback. Lot 4C was reconfigured to include the 13D well.

Parcel 14D was configured to include the left-over wells: 15A, 0.78 gpm and 14D, 8.5 gpm. Less than an acre in area and all within 230' of the power line, Parcel 14D is non-buildable.

WHY DOES SELLER REQUEST PERMISSION TO RETAIN OWNERSHIP OF A NON-BUILDABLE PARCEL THAT INCLUDES A LEFT-OVER WELL?

Mr. Arthur H. Becker, Sr., developed 17 acres off of Wally Court and informed the Seller on 6/8/98 that there are now three wells (out of three dozen or so dug) with sufficient yield to support three homes on the seventeen acres. It made sense to the Seller to retain ownership of the land that included left-over wells because of the potential value of those wells to the 35 acres (14 useable) that one day will be developed by the extension of Ridgemont Road north to the Becker Property.

Mr. Becker noted on 6/8/98 that offers to buy his land had been made and that he is not interested in acquiring more land, with or without an 8.5gpm well.

DOES THE SELLER HAVE THE RIGHT TO RETAIN OWNERSHIP OF THE RESIDUAL PARCEL (0.526 ac) THAT REMAINS IN PARCEL 14D after the proposed transfer?

It is the Seller's opinion that retention of the proposed residual parcel that includes the left-over, 8.5 gpm well, is not a threat to the public health, public safety or the quiet enjoyment of adjacent property owners.

The Seller believes that the Zoning Commissioner has the authority to approve ;

- 1) The transfer of the 0.471 acres to the Buyers of Lot 14A.
- 2) The granting of a Building Permit to Buyers for a residence within the expanded building envelope of Lot 14A-- without any further review (and delay) of subdivision "plans" by County and State officials.

SELLER'S CONTRIBUTION TO AN ENHANCED PLAN:

Seller has voluntarily abandoned three of the lots approved by the County in 1988 (15A, 14D & 13D) and has brought to market a better plan that includes an additional six acres of privately-owned open space along BGE's power line. (Open space in addition to Forest Buffer and Wetlands.)

Seller respectfully requests the Zoning Commissioner to accomodate the Buyers and the Seller in this matter without requiring any further subdivision processing. Seller submits that the granting of the approvals requested does not adversely affect any neighboring property.

Date of Hearing: 7/21/98, 9:00 AM, Room 407, Count Courts Bldg,
401 Bosley Avenue, Towson, MD

Thank you for your attention:


Thomas D. Dawes

Petitioners Pierson & Dawes seek approval from the Zoning Commissioner of Balto. Co. for:

1. Transfer of 0.471 ac from Par. 14D to Lot 14A.
2. Final Development Plan Revised to show 14A @ 7.971 Ac & Par. 14D @ 0.526 Ac.
3. Building Permit for a residence in the revised 14A Building Envelope.

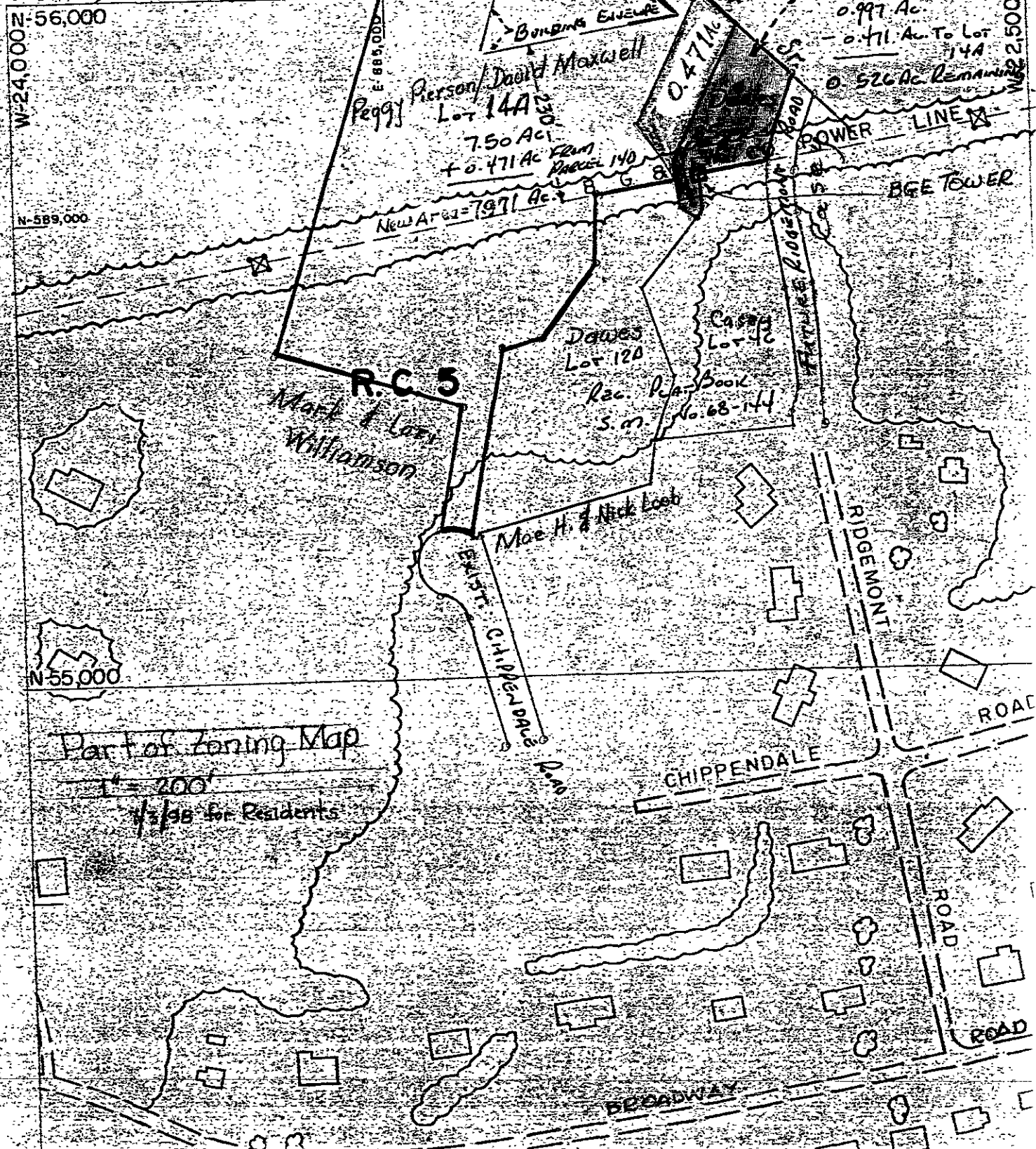
SUBJECT IS A PUBLIC HEARING

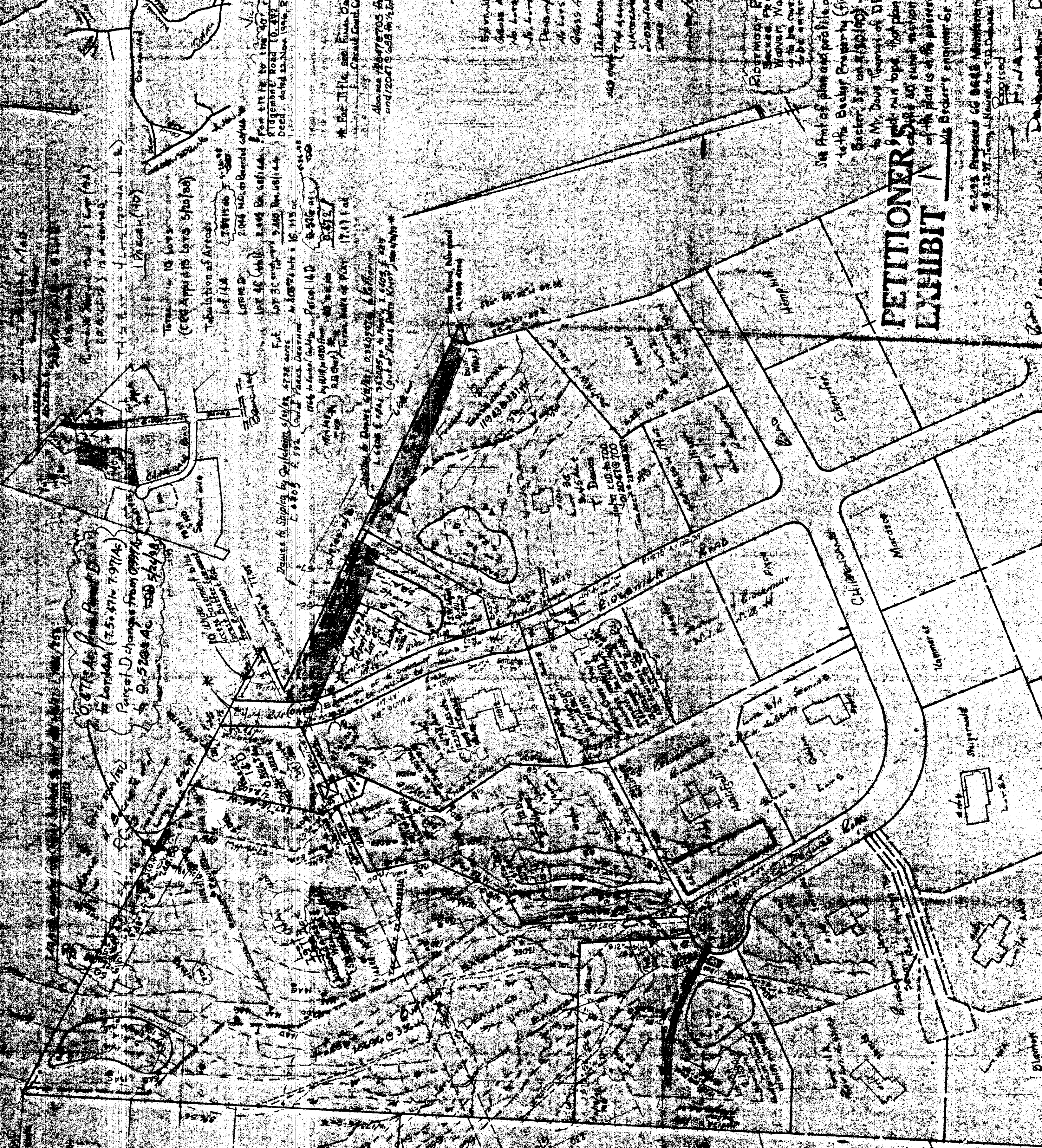
#08-477 SPH

Tuesday, 7-21-98, 9:00 AM

Rm 407, County Courts Bldg

401 Bosley Ave, Towson



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**PETITION
EXHIBIT**

295, Franklin St. 06415, Hartford, Conn. 06103
 Tel. 8-1237, Telex 1-140000, Teletype 1-140000

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745
- 224.86

715 477 507

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PRELIMINARY ZONING MAP

